

PROBATE FEE DEFERRAL APPLICATION

1

To Defer Court Fees/Costs
(at the beginning of the case)

SELF-SERVICE CENTER

**PROBATE COURT
DEFERRAL OF COURT FEES AND COSTS**

CHECKLIST

You may use these forms and instructions in this packet if . . .

- ✓ **Yours is a Probate Court case**, which may include:
 - guardianship* and/or conservatorship, **or**
 - matters concerning the estate and transfer of property of someone who died, **AND**
- ✓ You or the estate need to have payment of filing fees and/or other court fees and costs **deferred** or **waived**, that is, *you need to pay later or cannot afford to pay at all*, **AND**
- ✓ If your request for deferral (but not waiver) is granted you will later receive either a bill for the full amount or a payment plan from the Court.
- ✓ You understand that if your request for deferral is granted, a charge will be added to your deferred fees.
- ✓ You understand that **waivers**, which excuse payment completely, are rarely granted at the beginning of a case, but you may still request a waiver at the time of the hearing, **AND**
- ✓ If you qualify for a fee *waiver*, the fee mentioned above will not apply.

* **Guardianships for MINORS** that are not combined with conservatorship are handled by the Juvenile Court and require different fee deferral forms.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

SELF-SERVICE CENTER

REQUEST FOR DEFERRAL OF FEES AND COSTS in the PROBATE COURT

This packet contains court forms and instructions to file a request for deferral of fees and costs in the probate court. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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SELF-SERVICE CENTER

HELPFUL INFORMATION ABOUT FEES CHARGED IN PROBATE COURT CASES and HOW TO APPLY FOR DEFERRAL OF COURT FEES

1. **WHAT FEES OR COSTS ARE CHARGED?** There are various fees and costs to file papers to pursue court cases for guardianship, conservatorship, and probate. Go online to the Clerk of the Court or to the Self-Service Center to see the current fees charged for the following types of actions:

A. Guardianship and/or Conservatorship:

- To file A PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR, for a minor
- To file a PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR for an adult PLUS the cost of the COURT INVESTIGATOR REGARDING THE PETITION TO APPOINT A GUARDIAN AND/OR CONSERVATOR for an adult
- To pay the cost of the COURT ACCOUNTANT REGARDING A PETITION FOR APPROVAL OF ANNUAL OR FINAL ACCOUNTING
- To file an OBJECTION TO ANY PETITION, if this is first time you filed court papers in this case

B. Probate of Estates (with a will or without a will)

- To file an APPLICATION FOR INFORMAL PROBATE OF AN ESTATE (whether there is a will or not)
- To file an AFFIDAVIT FOR TRANSFER OF REAL PROPERTY
- To file a DEMAND FOR NOTICE to creditors

C. To give legal notice of the case to anyone entitled to notice by law:

- Costs vary, depending on where the person is located, or how many times the sheriff or process server tries to serve the person. There are fees for Publication too

D. Other costs:

- For the issuance by the Clerk of Court for a Summons or Subpoena;
- To get your fingerprints taken and to pay the costs for processing the completed fingerprint card;
- For service of process or costs of service by publication;
- To get a copy or a certified copy of any court order or judgment or paperwork;
- To file an appeal of a case to a higher court;
- To photocopy court papers for the record on appeal;
- To pay for court reporter or transcriber fees of court trials or hearings;

2. WHO PAYS THE COURT FEES AND COSTS?

A. Guardianships and/or Conservatorships:

- **For an adult:** Fees and costs related to the guardian and/or conservator are **paid by the estate of the adult** who is said to need the guardian and/or conservator. But, if you ask for, and are granted, a waiver or deferral, and the Judge denies the PETITION FOR APPOINTMENT, the Petitioner will be ordered to pay back to the court the fees and costs that were waived or deferred and remain unpaid.
- **For a minor:** Fees and costs related to the guardian and/or conservator are the responsibility of the **petitioner**. If the child's estate is sufficient, the guardian or conservator can file court papers later asking to be reimbursed for the amount of the costs and fees incurred.

B. Probate of estates (with a will or without a will)

- Fees and costs related to the APPLICATION FOR APPOINTMENT are **paid by the estate**, or you can pay as the applicant and later ask the court to order that you be repaid by the estate. But, if you ask for and are granted a waiver or deferral, and the Judge denies the APPLICATION FOR APPOINTMENT or denies the appointment to you, the Petitioner will be ordered to pay back to the court the fees and costs that were waived or that were deferred and remain unpaid.
- For a creditor or other person who files a DEMAND FOR NOTICE or otherwise objects to a court proceeding about the probate of an estate, fees and costs are paid BY THE PERSON WHO DEMANDS NOTICE or who is objecting.

3. WHAT ABOUT A PARTY WHO CANNOT PAY COURT FEES OR COSTS?

Sometimes, for very serious reasons, a party cannot pay court fees and costs at the time of filing court papers or asking for another court service. If this happens, the party can apply for a DEFERRAL or WAIVER of court costs and fees.

A. WAIVER may be requested when a party does not have financial resources to pay now **and probably cannot do so in the future**. Generally, waivers are only given at the end of a case. The only time you can get a waiver at the beginning of a case is if you are filing for an ORDER OF PROTECTION or an INJUNCTION AGAINST HARRASSMENT.

B. DEFERRAL may be requested by a **party who cannot pay now**, but who may be able to make payments in the future. That is why the Court will most likely grant you a DEFERRAL rather than a WAIVER, because everyone needs to bear his or her fair share of the court fees and costs.

If at the end of your case, you meet the financial criteria and still cannot pay your court fees, you can ask the Court to waive or further defer your court fees and costs.

4. COURT PAPERWORK FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS:

- A. Application for Deferral of Court Fees and/or Costs and Consent to Judgment: You must file the Application with the Clerk of the Court. You should know that the Application for DEFERRAL OF COURT FEES AND/OR COSTS includes a CONSENT TO ENTRY OF JUDGMENT.**

By signing this document, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment

At the conclusion of the case unless the Judge has already waived the fees/costs, you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. In filling out the Application, check the boxes that apply to your situation as follows

- **Paragraph 1:** Check the boxes that tell the Court what fees and/or costs you need deferred.
- **Paragraph 2:** Check the box that tells the court what your interest is in the case
- **Paragraph 3:** Read **Paragraph 3** to see if you receive any governmental assistance. If you do, check the box that applies to your situation and then go directly to the end of the last page and **date and sign the Application in front of the clerk or notary public**. If you do not receive governmental assistance, go to **Paragraph 4**.
- **Paragraph 4:** Check box A or box B and then fill out the Financial Questionnaire. If your financial condition gets better, you must tell the court, so that even if you cannot pay now, you must pay later if you have the money to do so

- B. Affidavit in Support of Application for Deferral or Waiver of Service Costs:** A deferral or waiver of fees to pay the sheriff for personal service, or the newspaper for publication of service, **must be applied for separately**. To do so, fill out the form described in Section 4(A) above, and the additional court form called AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE COSTS. Here are some important points:

- **For service by the sheriff:** Did you try to ask the other party to voluntarily accept service? If not, you must have a very good reason for not doing so.
- **For publication of service:** Why are you publishing instead of using another method of service? This is important, not only to get fees waived or deferred, but because service by publication is only used as a last resort. **BE SURE TO READ THE SELF-SERVICE CENTER INSTRUCTIONS ON SERVICE BEFORE YOU SERVE BY PUBLICATION.** This could save you time, effort, and difficulty!

- C. Order for Deferral or Waiver:** Do not fill out this form except the caption that includes the name of the petitioner/plaintiff, name of the respondent/defendant. The Special Commissioner will fill out this form after he or she has reviewed your application. This form tells you whether your costs have been waived, deferred or denied.

- D. Request for Hearing:** DO NOT FILL OUT THIS FORM. Take this form to the Court with you when you make your request to have your costs waived or deferred. Use this form only if your application for deferral/waiver has been denied and you want a hearing to tell the Judge why your costs should be deferred or waived.

5. HOW DO I APPLY FOR A DEFERRAL?

- A.** Complete the court paperwork for the APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS and CONSENT TO ENTRY OF JUDGEMENT along with the court papers you want to file for whatever court proceeding you are involved with. **Do not sign** the Application until you get to the Filing Counter if you are hand-delivering the Application to the Probate Registrar. You can sign the Application at the Court, when you go to the Filing Counter and avoid the cost of paying a Notary Public. If you are mailing your Application to the Clerk of the Court, you will need to **sign the Application in front of a Notary Public** before you mail your application.
- B.** Take the Application and all the other court papers you need to file to the filing counter of the Clerk of Court at the court location where you filed the papers. Information on how to know whether to file in the Downtown court location or the Southeast Court Facility in Mesa or the Northwest Court Facility in Surprise is contained on the instruction sheets that go with the court papers for the court process you are filing on.

NOTE: It is always a good idea to come in person to apply for a DEFERRAL OR WAIVER, unless you have a medical or other good reason to why you cannot appear in person. However, you can mail the application to the Probate Registrar, 125 West Jefferson, Phoenix, Arizona 85003. The Special Commissioner will review your application, determine if you qualify for a deferral or waiver, and notify you about whether you qualify for a deferral or waiver.

- C.** Give the **original** Application and sign it in front of the Probate Registrar. The Special Commissioner (or sometimes a Judge) will usually decide whether to grant the Application or not, depending on the information given in the Application.
- D.** If the Application is granted, file the court papers for the court process you are involved with. If the Application is denied, pay the fee or costs. If you do not agree with the Court's decision, you can request a hearing in front of a Judge. Use the form REQUEST FOR HEARING AND ORDER in your packet.
- E.** If the Deferral or Waiver is for Personal Service by the sheriff, take the papers that need to be served, along **with a copy** of the ORDER OF DEFERRAL OR WAIVER, to the sheriff. Instructions on how to do this are contained on the help sheet that is in the packet on service of process.

F. If the Deferral or Waiver is for Publication, follow the instructions contained on the help sheet that is in the packet on service of process.

G. REMINDER. If you still cannot pay the fees and costs at the end of the case, and believe you should receive a waiver or further deferral (payment schedule), you must file a Supplemental Application at the end of the case, or a Consent Judgment will be entered against you. You will receive instructions on how to do this at the end of the case.

OTHER HELP: Court personnel can answer questions about court procedures but are unable to give legal advice. If you have questions about matters requiring legal advice, the Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. View the lists at the Self-Service Centers or online.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF-SERVICE CENTER.**

APPLICANT

Complete all
information
in this
section.

Plaintiff/Petitioner

CASE NUMBER: _____

Defendant/Respondent

DATE: _____

DEFERRED FEE APPLICATION INFORMATION

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____

SSN: _____ ZIP CODE: _____

PHONE(H): _____ PHONE (W): _____

DO YOU HAVE AN ATTORNEY? ☐ YES ☐ NO PHONE (Cell): _____*(FOR COURT USE ONLY: Do Not Write in this Section (except for your signature, below).***FINANCIAL STATUS OF A DEFERRED FEE**

FEE CODE # _____ TYPE _____ \$ _____

FEE CODE # _____ TYPE _____ \$ _____

FEE CODE # _____ TYPE _____ \$ _____

TOTAL AMOUNT OF FEES THAT HAVE BEEN DEFERRED: \$ _____

AMOUNT OF PARTIAL PAYMENT PAID AT TIME OF FILING: \$ _____

BALANCE: \$ _____

**Special
Commissioner**

Complete all
information
for each
deferred fee
in this section.

**Special
Commissioner**

Complete this
section if a
payment plan
is set up.

Cross out if
deferred until
further notice.

BALANCE OF DEFERRED FEE(S) DUE ON _____ DAY OF _____, 20 _____

I (APPLICANT) SHALL MAKE (☐ WEEKLY ☐ MONTHLY) PAYMENTS OF \$ _____

FINAL PAYMENT IS DUE ON OR BEFORE (BUT NO LATER THAN) THE DUE DATE ABOVE.

ANY BALANCE LEFT OUTSTANDING AFTER THE DUE DATE WILL BE SENT TO A COLLECTIONS AGENCY.

Applicant:

APPLICANT SIGNATURE: _____

**Special
Commissioner**

Check why
deferred until
further notice.

*(FOR COURT USE ONLY: Do Not Write in this Section (except for your signature, below).***ASSISTANCE RECEIVED/ INCOME INFORMATION**☐ TANF (TEMPORARY ASSISTANCE TO NEEDY FAMILIES)☐ SSI☐ FOOD STAMPS☐ < 150%☐ COMMUNITY LEGAL SERVICES**Applicant:**

APPLICANT SIGNATURE: _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the matter of

Case Number PB _____

Name of protected (or deceased) person

APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES AND COSTS and CONSENT TO ENTRY of JUDGMENT

IMPORTANT

This "Application for Deferral of Court Fees and/or Costs" includes "Consent to Entry of Judgment." By signing this Consent, you agree a judgment may be entered against you for all fees and costs that are deferred but remain unpaid thirty (30) calendar days after entry of final judgment. At the conclusion of the case you will receive a Notice of Court Fees and Costs Due indicating how much is owed and what step you must take to avoid a judgment against you if you are still unable to pay. Addition details about this process are discussed in the "Consent to Entry of Judgment" Section of this Application.

STATEMENTS MADE TO THE COURT UNDER OATH OR BY AFFIRMATION: I swear or affirm that the information in this application is true and correct. I make this statement on behalf of the estate and under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

1. I am requesting a deferral or waiver of the following fees and/or costs in my case:

- ☐ Any or all of the following: All filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of letters of temporary or permanent appointment or of any temporary or final order, judgment or decree in any civil proceeding.
- ☐ Fees for service of process by a sheriff, marshal, constable or local law enforcement agency (fill out separate affidavit form).
- ☐ Fees for service by publication (fill out separate affidavit form).
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal.
- ☐ Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.
- ☐ Court accountant fees and costs
- ☐ Court investigator fees and costs

2. My interest in this case is (check on box):

- ☐ Petitioner for Appointment of a Guardian/Conservator for an Adult or a Minor
☐ Petitioner for Appointment of a Personal Representative for the Estate
☐ Creditor filing a Demand for Notice
☐ Other (describe): _____
-

3. The basis for the deferral request is:

- A.** ☐ **I receive or the Estate/Ward/Protected Person receives governmental assistance from the state/federal program(s) checked below:**

- ☐ Temporary Assistance to Needy Families (TANF) ☐ Food Stamps
☐ Represented by Community Legal Services

OR

- B.** ☐ **My or the Estate/Ward/Protected Person's income** is insufficient or is barely sufficient to meet the daily essentials of life, and includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court.

To determine whether income is insufficient or barely sufficient, the court will review your income and expenses. Among the factors the court may consider are:

1. Whether your gross income as computed on a monthly basis is 150% or less of the current federal poverty level. Gross monthly income includes your share of community property income if available to you.
2. If your income exceeds 150% of the poverty level, but you have proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that the court finds are extraordinary and that reduce your gross monthly income to at or below 150% of the poverty level.

OR

IF NONE OF THE ABOVE REASONS APPLY, you still may request a deferral of court fees and/or costs for good cause shown. If granted, the court either will postpone payment until the conclusion of the case or establish a schedule for you to make payments.

- C.** ☐ I or the Estate/Ward/Protected Person do not have the money to pay court filing fees and/or costs now. I can pay the filing fees and/or costs at a later date. Explain.
-
-

OR**4. ☐ The basis for the waiver request is:**

- A.** ☐ **I or the Estate/Ward/Protected Person** am permanently unable to pay. My income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and unlikely to change in the foreseeable future.
- B.** ☐ **I or the Estate/Ward/Protected Person** receives government assistance from the federal program Supplemental Security Income (SSI).

NOTE: Every applicant, regardless of his or her financial circumstances, must complete the Financial Questionnaire that follows.

- If you submit the Application and Questionnaire in person, you **MUST** sign it in front of the court clerk;
- If you submit the form by mail or by a third party, you **MUST** sign it in front of a notary public.
- You must submit proof that you receive governmental assistance.
- If you submit the Application and Financial Questionnaire by mail or by a third party, please attach a copy of your proof of governmental assistance.

FINANCIAL QUESTIONNAIRE (You/Estate/Ward/Protected Person)

STATEMENT OF INCOME AND EXPENSES:

SUPPORT RESPONSIBILITIES: List all persons you support (including those you pay child support and/or spousal maintenance/support for):

NAME	RELATIONSHIP

ASSISTANCE: I or the **Estate/Ward/Protected Person** receive assistance from:

- ☐ Arizona Health Care Cost Containment System (**AHCCCS**)
☐ Arizona Long Term Care System (**ALTCS**)
☐ Other: (Explain/Describe) _____

EMPLOYER INFORMATION

Employer Name:		
Employer Address:		
Employed since:		(Month and Year you started)

MONTHLY INCOME INFORMATION

Monthly Gross Income: (full amount of wages/salary before any deductions) \$

Other current monthly income: (including spousal maintenance/support, retirement, rental, interest, pensions, scholarships, grants, royalties, lottery winnings) (explain amount and source) _____	\$
	\$
	\$

My spouse's monthly gross income: (if available to me) \$

TOTAL MONTHLY INCOME: (Add amounts from these lines.) \$

Monthly expenses and debts are:

	A MONTHLY PAYMENT	B LOAN BALANCE
Rent/Mortgage payment	\$	\$
Car Payment	\$	\$
Car Payment	\$	\$
Credit Card Payments	\$	\$
Credit Card Payments	\$	\$
Other Financing Obligations with Monthly Payments:		
Describe:	\$	\$
Describe:	\$	\$
Describe:	\$	\$
TOTAL OF LOAN BALANCES: (Add column B)		\$
Food/Household supplies	\$	
Clothing	\$	
Utilities (Electric, Gas, Water, Telephone)	\$	
Medical / Dental/ Prescription Expenses	\$	
Health Insurance	\$	
Car Insurance	\$	
Gasoline/Bus Fare	\$	
Spousal Maintenance (alimony paid by you)	\$	
Child Support	\$	
Child Care	\$	
Nursing care	\$	
Contributions to Retirement Plan / Account	\$	
Other	\$	
Other	\$	
TOTAL MONTHLY PAYMENTS: (Add column A, starting from "Rent/Mortgage")		\$

STATEMENT OF ASSETS: List those assets available to you and accessible without financial penalty.

	ESTIMATED VALUE
Cash and Bank Accounts	\$
Credit Union Accounts	\$
Retirement Accounts	\$
Other, including Stocks & Bonds	\$
Other	\$
* Equity* in:	
1. Home	\$
2. Cars/ Other Vehicles	\$
3. Other Property	\$
TOTAL ASSETS: (Add)	
	\$

* **Equity** is defined as market value minus any liens or loans.

EXTRAORDINARY EXPENSES: For example: unusual medical needs, financial hardship, costs of care of elderly or disabled family members. (Proof must be submitted.)

DESCRIPTION	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL EXTRAORDINARY EXPENSES (Add)	\$ _____

Note: If you receive a deferral and have unpaid fees at the end of your case you will receive a Notice of Court Fees and Costs Due. This is to remind you that you may submit a supplemental application for further deferral or waiver if you believe you need more time to pay or cannot afford to pay your court fees and costs. The court will decide at that time whether or not you must pay. If you do not file a supplemental application, the original deferral order remains in effect and a consent judgment may be entered against you if you do not pay within thirty calendar days after entry of final judgment.

If your case is dismissed for any reason, the fees and costs are still due.

CONSENT TO ENTRY OF JUDGMENT: By signing this Application, I agree that a judgment may be entered against me for all fees and/or costs that are deferred but remain unpaid after thirty (30) calendar days after entry of final judgment. Judgment may be entered against me unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. I have an established schedule of payments in effect and I am current with those payments;
- C. I file a supplemental application for waiver or further deferral of fees and costs and a decision by the court is pending;
- D. In response to a supplemental application, the court orders that the fees and costs be waived or further deferred; or
- E. Within twenty days of the date the court denies the supplemental application, I either:
 - 1. Pay the fees and/or costs; or,
 - 2. Request a hearing on the court's order denying waiver or further deferral. If I request a hearing, the court cannot enter the consent judgment unless a hearing is held, further deferral or waiver is denied and payment has not been made within the time prescribed by the court.

If you appeal the final decision in your case, a consent judgment for deferred fees and/or costs that remain unpaid in the lower court shall not be entered until after the appeals process is concluded.

UNDER PENALTY OF PERJURY I state to the Court that I have read and understand the contents of this document and that the information I have provided is true and correct.

_____	Signature
Sworn to or	by
Affirmed: _____	_____
Date	Printed Name of Person Who Signed
Seal / My Commission Expires: _____	_____
	Deputy Clerk or Notary Public

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the matter of:

Case Number PB _____

Name of protected (or deceased) person

ORDER

☐ DEFERRING COURT FEES AND/OR
COSTS (ODC)

☐ WAIVING COURT FEES
AND/OR COSTS (OWC)

☐ DENYING DEFERRAL/WAIVER (ODD)
OF COURT FEES AND COSTS AND
CONSENT TO ENTRY OF JUDGMENT

THE COURT FINDS that the applicant (print name): _____:

1. ☐ **IS NOT ELIGIBLE FOR A DEFERRAL** of fees and/or costs.
OR
2. ☐ **IS ELIGIBLE FOR A DEFERRAL** based on financial eligibility for a deferral of fees and costs. As required by state law, the applicant has signed a consent to entry of judgment.
OR
3. ☐ **IS ELIGIBLE FOR DEFERRAL** of fees and/or costs on good cause shown.
OR
4. ☐ **IS ELIGIBLE FOR WAIVER** of fees and/or costs at the courts discretion (A.R.S. § 12-302(M)).

IT IS ORDERED:

1. ☐ **DEFERRAL DENIED** for the following reason(s):

☐ **The application is incomplete because:**

You are encouraged to submit a complete application before a consent judgment is entered against you.

☐ **The applicant does not meet the financial criteria for fee deferral because:**

A deferral MUST BE granted if the applicant is receiving public assistance benefits or has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted to pay the fees and/or costs necessary to gain access to the court or if the applicant demonstrates other good cause.

☐ This is a class action.

☐ The applicant is an incarcerated felon and this is not a domestic relations action.

2. ☐ **DEFERRAL GRANTED for the following fees and/or costs in this court:**

- ☐ Any or all of the following: All filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of letters of temporary or permanent appointment or of any temporary or final order, judgment or decree in any civil proceeding.
- ☐ Fees for service of process by a sheriff, marshal, constable or local law enforcement agency
- ☐ Fees for service by publication
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal
- ☐ Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.
- ☐ Court accountant fees and costs.
- ☐ Court investigator fees and costs.

IF A DEFERRAL IS GRANTED, PLEASE CHECK ONE OF THE FOLLOWING BOXES.

☐ **NO PAYMENTS WILL BE DUE UNTIL FURTHER NOTICE** (Only applies to Finding #2 or #3).

☐ **SCHEDULE OF PAYMENTS** (Only applies to Finding #3).

The applicant shall pay \$ _____ each _____ (week, month, etc.) until paid in full, beginning: _____

3. ☐ **WAIVER GRANTED for all fees and/or costs of this case that may be waived under A.R.S. § 12-302(H).**

- ☐ Any or all of the following: All filing fees, fees for the issuance of summonses and subpoenas, fees for obtaining one certified copy of letters of temporary or permanent appointment or of any temporary or final order, judgment or decree in any civil proceeding.

- ☐ Fees for service of process by a sheriff, marshal, constable or local law enforcement agency
- ☐ Fees for service by publication
- ☐ Filing fees and photocopy fees for the preparation of the record on appeal
- ☐ Court reporter's fees of reporters or transcribers employed by the court for the preparation of the transcript.
- ☐ Court accountant fees and costs.
- ☐ Court investigator fees and costs.

4. RIGHT TO JUDICIAL REVIEW. If the application is denied or a payment schedule set by a special commissioner, you may request the decision be reviewed by a judge or judicial officer. The request must be made within twenty (20) days of the day the order was mailed or delivered to you. If a schedule of payments has been established, payments shall be suspended until a decision is made after the judicial review. The judicial review shall be held as soon as possible.

5. ☐ CONSENT TO ENTRY OF JUDGMENT. In accordance with state law and procedures adopted by the Arizona Supreme Court, a consent judgment shall be entered against the applicant for all fees and costs that are deferred and not taxed to another party, but that remain unpaid after thirty (30) calendar days following the entry of final judgment unless any one of the following applies:

- A. Fees and costs are taxed to another party;
- B. A supplemental application for waiver or further deferral remains pending;
- C. The court orders that the fees and costs be waived or further deferred;
or
- D. Within twenty days of the date the court denies the supplemental application, the applicant:
 - 1. Pays the fees; or,
 - 2. Requests a hearing on the court's order denying waiver or further deferral. If the applicant requests a hearing, the court shall not enter the consent judgment unless a hearing is held, waiver or further deferral is denied and payment has not been made within the time prescribed by the court.

6. DUTY TO REPORT CHANGE IN FINANCIAL CIRCUMSTANCES. An applicant who is granted a deferral shall promptly notify the court of the change in financial circumstances during the pendency of the case that would affect the applicant's ability to pay court fees and costs. Any time the applicant appears before the court on this case, the court may inquire as to the applicant's financial circumstances.

DATED: _____

☐ Judicial Officer or ☐ Special Commissioner

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the matter of:

Case Number PB _____

AFFIDAVIT SUPPORTING DEFERRAL OR OR WAIVER OF SERVICE COSTS

Name of protected (or deceased) person

STATEMENTS MADE TO THE COURT UNDER OATH OR AFFIRMATION. I swear or affirm that the information in this application is true and correct. I make this statement under the penalty of prosecution for perjury if it is determined that I did not tell the truth.

I have requested a deferral or waiver of the following fees in my case:

☐ **Fees for service of process by a sheriff, marshal, constable, or law enforcement agency:** In support of my request, I state that (check and complete any that apply):

☐ I have attempted to obtain voluntary acceptance of service of process without success on the person to be served.

☐ It would be useless or dangerous for me to try to obtain voluntary acceptance of service by the person to be served because (explain):

☐ An enforceable injunction against harassment or order of protection has been granted to me against the person to be served.

Case No. _____.

☐ **Fees for publication:** In support of my request, I state that I have attempted to locate the person to be served but I have been unable to locate that person **(check and complete any that apply):**

☐ This is what I did to try to find the other party (explain):

☐ I have contacted the person(s) listed below to try to find the location of the other party.

NAME

ADDRESS

_____	_____
_____	_____
_____	_____

INFORMATION FOR SERVICE

You must provide the following information:

To the best of my knowledge, as of (date) _____, the last known address of the person to be served was: _____.

(Street Address, City and State)

SIGNATURE UNDER PENALTY OF PERJURY

Today's Date: _____

Signature: _____

Print Your Name: _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the matter of:

Case Number PB: _____

REQUEST AND ORDER FOR HEARING

Name of protected (or deceased) person

NOTICE: To ensure that the Consent Judgment is not entered, you must mail or hand-deliver a copy of this document to:

The Clerk of the Court, Collections Department,
201 West Jefferson, 1st Floor, Phoenix, Arizona 85003.

Check at least one of the following:

- ☐ I request a hearing on the denial of my supplemental application for waiver or further deferral.
- ☐ I do not agree with the amount of unpaid fees and costs on the itemized statement provided by the court.
I request a hearing on the calculation of the unpaid fees and/or costs.

Date: _____

Signature: _____

Print your name: _____

THE COURT COMPLETES THE FOLLOWING SECTION

IT IS ORDERED scheduling a hearing on the above matter.

Hearing Date: _____

Hearing Time: _____

Hearing Location: _____

Hearing Officer: _____

Dated: _____

☐ Judicial Officer OR ☐ Special Commissioner

Mailed/hand-delivered to applicant on _____, by _____